

### REMARKS

In the August 5, 2003 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### *Status of Claims and Amendments*

In response to the August 5, 2003 Office Action, Applicants have amended the specification and claims 1, 3, 6-9, and 11 as indicated above. Claim 5 has been canceled. Thus, claims 1-4 and 6-15 are pending, with claims 1, 6, and 11 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### *Specification*

Applicants have noticed several typographical errors upon review of the specification. Accordingly, Applicants have amended the specification to correct the typographical errors and to provide proper antecedent basis for the limitations of claims.

Applicants believe that the specification is now correct and complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1). Withdrawal of the objections is respectfully requested.

#### *Rejections - 35 U.S.C. § 102*

In paragraphs 1-3 of the Office Action, claims 6-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,462,811 to Turner ("Turner patent"). Claims 11-15 stand rejected as being anticipated by U.S. Patent No. 6,211,905 to Rudt et al. ("Rudt patent"). In response, Applicants have amended independent claims 6 and 11 to clearly define the present invention over the prior art of record.

#### Claim 6

In particular, independent claim 6 has been amended to recite that the system includes a production line having a combination weigher and bagger that has storage means, and a network that connects the combination weigher and bagger and the image-taking means.

More specifically, Applicants believe that the Turner patent and the Rudt patent do not disclose or suggest a combination weigher and bagger having storage means that stores image information obtained by the image-taking means, as required by claim 6.

In the Turner patent, the system 10 includes video cameras 18 and 20, the saw blade 12, and the computer 22 having a frame grabber board 24 for capturing video images generated by the cameras. *See* column 4, lines 1-6. Particularly, the video images are stored

in the frame grabber board 24 of the computer 22, not in the saw blade 12. Clearly, the Turner patent does not disclose or suggest a combination weigher and bagger that includes storage means as required by now-amended claim 6.

Regarding the Rudt patent, it concerns a system for monitoring a manufacturing process. *See* column 4, lines 32-33. In other words, the system of the Rudt patent does not include an apparatus such as a combination weighing and bagger that performs the manufacturing process. Clearly, the Rudt patent does not disclose or suggest a combination weigher and bagger that includes storage means as required by now-amended claim 6.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claim 6, as now amended, is not anticipated by the Turner patent or the Rudt patent.

Regarding dependent claims 7-9, they depend from claim 6, and are therefore narrower. Since claim 6 is believed to be allowable over the Turner patent and the Rudt patent, Applicants also believe that claims 7-9 are not disclosed or suggested by the Rudt patent and the Turner patent.

Claim 11

Claim 11 has been amended to recite that the system includes a production line having a plurality of product processing apparatuses, and a network that connects the plurality of product processing apparatuses, and that the first storage means is provided in at least one of the plurality of product processing apparatuses. Clearly, this structure is *not* disclosed or suggested by the Turner patent, the Rudt patent, or any other prior art of record.

Regarding the Turner patent, it discloses a system where video images generated by the cameras 18 and 20 are stored in the computer 22, as discussed above. There is no disclosure or suggestion that the saw blade 12, which corresponds to the product processing apparatus, stores the video images. Therefore, the Turner patent does not disclose or suggest the first storage means that is provided in the product processing apparatus, as required by now-amended claim 11.

Regarding the Rudt patent, it concerns a system for monitoring a manufacturing process, as discussed above. Therefore, the system of the Rudt patent does not include an apparatus that performs the manufacturing process. Clearly, the Rudt patent does not

disclose or suggest a combination weigher and bagger that includes storage means as required by now-amended claim 11.

Therefore, Applicants respectfully submit that claim 11, as now amended, is not anticipated by the Turner patent or the Rudt patent.

Regarding dependent claims 12-15, they depend from claim 6, and are therefore narrower. Since claim 6 is believed to be allowable over the Turner patent and the Rudt patent, Applicants also believe that claims 12-15 are not disclosed or suggested by the Rudt patent and the Turner patent.

Applicants respectfully request withdrawal of the rejections.

***Rejections - 35 U.S.C. § 103***

In paragraphs 4-6 of the Office Action, claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Rudt patent in view of U.S. Patent No. 5,001,889 to Mueller ("Mueller patent"). Claim 10 is rejected as being unpatentable over the Turner patent in view of the Rudt patent. In response, Applicants have amended independent claims 1 and 6 as indicated above.

**Claim 1**

More specifically, independent claim 1 has been amended to recite that the product processing apparatus has storage means, and that the system has image-information-demanding-means for demanding and receiving the image information from the storage means via the network. Clearly this arrangement is *not* disclosed or suggested by the Rudt patent, the Mueller patent, the Turner patent, or any other prior art of record.

Regarding the Rudt patent, as discussed above, it does not disclose or suggest a combination weigher and bagger that includes storage means as required by now-amended claim 1, because the Rudt patent only relates to a manufacturing process monitoring system, not to a product processing apparatus itself.

Regarding the Mueller patent, Applicants believe that it does not cure the deficiency of the Rudt patent. The Mueller patent has been cited to show a manufacturing equipment for bagging and weighing foodstuff. Although the manufacturing apparatus of the Mueller patent has a photodetector 67 as shown in Figure 11, the photodetector 67 is used only to detect the presence of a bag. There is no disclosure of suggestion that the photodetector 67 captures video image or that such video image is stored in the control unit 30. In other words,

the Mueller patent does not disclose or suggest a product processing apparatus that has storage means for storing the image information. Thus, the arrangement of claim 1 is not disclosed or suggested by the Mueller patent and the Rudt patent, whether taken singularly or in combination.

Furthermore, Applicants believe that the Turner patent does not cure the deficiency of the Rudt patent and the Mueller patent. As discussed above, the Turner patent does not disclose or suggest a product processing apparatus that has storage means, because in the Turner patent, video images captured by the vide cameras 18, 20 are transmitted to a separate computer 22, not to the product processing apparatus. Thus, the arrangement of claim 1 is not disclosed or suggested by the Rudt patent, the Mueller patent, and the Turner patent, whether taken singularly or in any combination.

*Claim 10*

Applicants believe that the dependent claim 10 is also allowable over the prior art of record because it depends from independent claim 6. Applicants believe that the arrangement of claim 6 is not disclosed or suggested by the Rudt patent, the Mueller patent, and the Turner patent, whether taken singularly or in any combination.

As discussed above, the Turner patent and the Rudt patent do not disclose or suggest a combination weigher bagger that has storage means. Therefore, the Turner patent and the Rudt patent do not anticipate or render obvious the arrangement of claim 6, whether taken singularly or in combination.

Regarding the Mueller patent, as discussed above, the Mueller patent does not disclose or suggest a combination weigher and bagger that has storage means for storing the image information. Thus, the arrangement of claim 1 is not disclosed or suggested by the Mueller patent, the Turner patent, and the Rudt patent, whether taken singularly or in any combination.

Since claim 6 is believed to be allowable over the Rudt patent, the Turner patent, and the Mueller patent, Applicants believe that claim 10, which depends from claim 6, is also allowable over the prior art of record.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

***Allowable Subject Matter***

Appl. No. 10/018,346  
Amendment dated December 3, 2003  
Reply to Office Action of August 5, 2003


***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-4 and 6-15 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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